



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
www.co.merced.ca.us

**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF SEPTEMBER 24, 2003, 9:00 A.M.  
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,  
MERCED, CALIFORNIA**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL OF COMMISSIONERS**

Larry Whitney; Kimberly Clauss; Steve Sloan, Chairman; Lynn Tanner; David Wager.

**III. APPROVAL OF MINUTES**

**IV. CITIZEN COMMUNICATIONS**

Public opportunity to address the Planning Commission on items of interest over which the Planning Commission has jurisdiction.

**SPEAKERS**

If you would like to address the Planning Commission on any item on the agenda, please pick up a 3" x 5" card in the foyer, fill it out with your name, address, and item you wish to speak on, and give it to someone at the staff table (to the left of the podium) prior to speaking.

**V. PUBLIC HEARING**

- A. MINOR SUBDIVISION APPLICATION NO. 03047- Ken Jones** - To divide one 88 acre parcel into 3 parcels: Parcel 1 = 20.25 acres, Parcel 2 = 32.88 and Parcel 3 = 34.67 acres. The property is located on the northwest corner of Livingston-Cressey Road and Cressey Way in the Ballico area. The property is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Referred from the Hearing Officer meeting of August 25, 2003. Project Planner Mark Hamilton

**STRIVING FOR EXCELLENCE**

- B. ZONE VARIANCE NO. 03007 AND MINOR SUBDIVISION APPLICATION NO. 03043 – Hansen\Overholtzen** – To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone and divide a 45 acre parcel into two parcels: Parcel 1 = 4.17 acres and Parcel 2 = 40.83 acres on property located west of the intersection of State Highway 33 and South Ave. in the Gustine area which is designated as Agricultural land use in the General Plan. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 27, 2003 meeting. Project Planner Robert King**
- C. MINOR MODIFICATION NO. 03024 TO MAJOR SUBDIVISION NO. 01008 – Campus Park** - To change the design of the Map to allow two extra homesites and the park to be expanded in size from approximately 12,000 sq. ft. to over 25,000 sq. ft., and for repositioning and removal of the lots located on Chestnut Avenue. The project is located on the west side of Chestnut Lane, 200 feet north of Santa Fe Drive in the Winton area and is designated Winton Specific Urban Development Plan (SUDP). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**
- D. MAJOR SUBDIVISION APPLICATION NO. 03012 – Wathan/Castanos** – To divide 237 acres into 346 residential lots of approximately 6,200 to 7,800 square feet each on 97 acres with a remainder of approximately 140 acres, on land designated as Low Density Residential Land use in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential) and R-1-5000 (Single Family Residential 5,000 square foot minimum) on property located east of State Highway 33 north of the Delta Mendota Canal and approximately ½ mile south of Henry Miller Road. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- E. CONDITIONAL USE PERMIT APPLICATION NO. 03010 - Paul David Telling** - To establish a used auto sales business on a portion of a property that is currently used for a number of auto related and other commercial activities. The subject property is located on the corner of East 21st Street and State Highway 140. It is designated as Merced Specific Urban Development Plan CN (Neighborhood Commercial) and LD (Low-Density Residential) land use in the General Plan and zoned C-2 (General Commercial). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

Resolution of Appreciation to Mr. Butch Cope for his years of service.

**VIII. DIRECTOR'S REPORT**

**IX. ADJOURNMENT**



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
[www.co.merced.ca.us](http://www.co.merced.ca.us)

**APPEALS**

Any person may appeal any action of the Planning Director or Planning Commission within five (5) calendar days after the day the action is made. [Within ten (10) calendar days of action on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning Department and appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.



## MERCED COUNTY PLANNING COMMISSION

Minutes – September 24, 2003

Page 2

Planner Mark Hamilton presented the Staff Report and Recommendation dated September 24, 2003.

The public hearing opened at 9:15 a.m.

Mike Smith, Central California Permit Services, indicated that at the Hearing Officer meeting of August 25<sup>th</sup>, he discussed the issue of the 20 acre parcel to the west because of the net acreage. He stated that it would be 23 acres. They are not changing their farming patterns. He accepts the conditions and asked for approval of this project.

The public hearing closed at 9:16 a.m.

**MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION NO. 03047, FROM CEQA.**

**MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED SEPTEMBER 24, 2003, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION NO. 03047 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

### **Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Hearing Officer approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. Parcel 1 shall be shown as 20 "net" acres on the Parcel Map.
3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
4. The owner shall dedicate to the County of Merced, annotated on the parcel map, 60-foot width of rights-of-way for road purpose, on the southerly and easterly boundary of the parcel with a 50-foot inside radius at the northeast corner intersection of what are known as Livingston-Cressey Road and Cressey Way.
5. The applicant shall provide for the delivery of irrigation water to each proposed parcel by providing easements that allow for the effective service of each parcel from the existing irrigation delivery gate that serves the whole property.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – September 24, 2003**

**Page 3**

- B. ZONE VARIANCE NO. 03007 AND MINOR SUBDIVISION APPLICATION NO. 03043 – Hansen\Overholtzen** – To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone and divide a 45 acre parcel into two parcels: Parcel 1 = 4.17 acres and Parcel 2 = 40.83 acres on property located west of the intersection of State Highway 33 and South Ave. in the Gustine area which is designated as Agricultural land use in the General Plan. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 27, 2003 meeting. Project Planner Robert King**

The public hearing opened at 9:20 a.m.

Mike Smith, CCPS, indicated that he would like this item continued for further review.

**The Planning Commission approved 3 – 0 to continued this item to the October 22, 2003 Planning Commission Meeting.**

- C. MINOR MODIFICATION NO. 03024 TO MAJOR SUBDIVISION NO. 01008 – Campus Park** - To change the design of the Map to allow two extra homesites and the park to be expanded in size from approximately 12,000 sq. ft. to over 25,000 sq. ft., and for repositioning and removal of the lots located on Chestnut Avenue. The project is located on the west side of Chestnut Lane, 200 feet north of Santa Fe Drive in the Winton area and is designated Winton Specific Urban Development Plan (SUDP). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

Planner Mark Hamilton presented the Staff Report and Recommendation dated September 24, 2003.

The public hearing opened at 9:25 a.m.

No one spoke in favor or opposition of the project:

The public hearing closed at 9:25 a.m.

**MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES TO REAFFIRM THE MITIGATED NEGATIVE DECLARATION PREPARED FOR MINOR MODIFICATION NO. 03024 TO MAJOR SUBDIVISION NO. 01008 WITH 9 MITIGATION MEASURES.**

**MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED SEPTEMBER 24, 2003, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR MODIFICATION NO. 03024 TO MAJOR SUBDIVISION NO. 01008 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

## MERCED COUNTY PLANNING COMMISSION

Minutes – September 24, 2003

Page 4

1. *Resolution No. 97-1* - The project shall comply with the standard conditions of approval listed in the Planning Commission Resolution No. 97-1 for major subdivisions.
2. *Landscape Plans* - Three copies of the landscape and irrigation plans as shown on the plot plan shall be submitted for review and approval by the Planning Director in accordance with the standards of Chapter 16.40 of the Merced County Code prior to the issuance of Building Permits. The landscape plan for the street trees and the combination wall and berm (noise barrier) shall be in conformance with the Landscape Chapter of the County Zoning code. Approved street trees shall be installed prior to occupancy of each house. The general location of the street trees shall be shown on the improvement plans. Landscaping and irrigation, in compliance with the approved plans, shall be installed prior to occupancy. Wall and berm landscape maintenance shall be accomplished through a County Service Area agreement. (MM).
3. *Lighting* - All area and security lighting shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area. This shall be monitored by the Planning Department. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way (MM).
4. *SJAQMD Compliance* - The applicant will be required to obtain and/or modify any permits required by the San Joaquin Air Quality Management District and comply with any applicable District rules (MM).
5. *MID Requirements* - The applicant shall comply with MID requirements in regards to redirecting or piping at the Gertrude Lateral. A signature block shall be provided on final improvement plans for approval by MID. Provide a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map (MM).
6. *County Department Regulations* - The applicant shall comply with applicable regulations administered by the County. These regulations shall include, but not limited to standards administered by the County Fire, Health, Planning and Public Works Departments (Roads and Building Division).
7. *Right-to-Farm* - A Right-to-Farm Certificate shall be placed on the Final Map and shall be in compliance with Ordinance No. 1213.
8. *Final Map* - A final map shall be recorded within two (2) years of the Planning Commission approval date as required by the County Subdivision Code and the State Subdivision Map Act.
9. *Noise* - The applicant will be required to comply with the decibel noise requirement found in the General Plan. Prior to the Building Permit stage, the applicant will be required to provide architectural treatments on the plans to reduce the noise level to 45-decibels or less for the inside of residential structures constructed in the subdivision. The applicant will comply with the conclusions and recommendations found in the Acoustical Analysis for the Chestnut Woods Subdivision June 27, 1991, and be updated to current noise conditions. (MM).

## MERCED COUNTY PLANNING COMMISSION

Minutes – September 24, 2003

Page 5

10. *Wall and Berm Requirement* - A wall and berm combination is to be constructed, in accordance with Merced County Zone Code and Building Code Standards, near the along the Santa Fe Drive portion of the Parcel having minimum elevations found in the General Plan Noise Chapter (Brown-Buntin Noise Study) to reduce exterior noise levels on residential lots below 65 dBL-Ldn. The height of the berms and wall shall be determined through an updated noise Study and wall design shall be shown on the improvement plans. The maximum height of the wall should be seven feet (MM).
11. *Interior Road Access* - The interior access road for the residential subdivision facility shall be paved and (at least) 52-foot in width. Also, the parking and maneuvering areas for the other areas shall be paved and striped appropriately.
12. *Road Striping* - Provide centerline striping for those new roads that intersect the existing peripheral streets.
13. *Well Destruction* - The existing well on Lot No. 71 will be destroyed properly under a permit and an inspection from the Division of Environmental Health fee prior to recording of the Final Map.
14. *Level 1 Requirements* - Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.
15. *Access* - Release and relinquish all abutters' rights of access to and from the entire Santa Fe Drive and California Street frontages of affected lots.
16. *Grading* - All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
17. *Storm Water Runoff* - Developer/Applicant is advised that they may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
18. *Recreational Fees* - The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map.
19. *Drainage and Storm Basins* - Drainage and storm basins shall be designed to the satisfaction of the Merced County Department of Public Works.
20. *Underground Utilities* - Any relocation, removal or under grounding of Public Utilities (such as PG&E facilities) shall be done at the developer's expense (MM).



**MERCED COUNTY PLANNING COMMISSION**

**Minutes – September 24, 2003**

**Page 6**

21. *Duplicate Street Names* - Either the North/South or East West Berkley Drive shall be renamed so that both directions do not have the same street name.
22. *Phasing* - Subdivision phases shall be arranged so that portions of the development with only one street access shall not exceed 25 lots, or acceptable temporary secondary access shall be provided for such areas.
23. *Condition Monitoring* - For the purpose of condition monitoring, a fee in the amount of \$92.00 shall be required. The fee shall be paid prior to recordation of the Final Map.

- D. MAJOR SUBDIVISION APPLICATION NO. 03012 – Wathan/Castanos – To divide 237 acres into 346 residential lots of approximately 6,200 to 7,800 square feet each on 97 acres with a remainder of approximately 140 acres, on land designated as Low Density Residential Land use in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential) and R-1-5000 (Single Family Residential 5,000 square foot minimum) on property located east of State Highway 33 north of the Delta Mendota Canal and approximately ½ mile south of Henry Miller Road. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

The public hearing opened at 9:28 a.m.

No one spoke in favor or opposition to this project.

**The Planning Commission approved 3 – 0 to continue this item to the October 22, 2003 Planning Commission meeting.**

- E. CONDITIONAL USE PERMIT APPLICATION NO. 03010 - Paul David Telling - To establish a used auto sales business on a portion of a property that is currently used for a number of auto related and other commercial activities. The subject property is located on the corner of East 21st Street and State Highway 140. It is designated as Merced Specific Urban Development Plan CN (Neighborhood Commercial) and LD (Low-Density Residential) land use in the General Plan and zoned C-2 (General Commercial). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated September 24, 2003.

The public hearing opened at 9:38 a.m.

No one spoke in favor or opposition to the project.

The public hearing closed at 9:38 a.m.

Commissioner Tanner asked Planner Holland about the landscaping, since most of it is concrete. Planner James Holland indicated that there is a minimum of 240 ft. of landscaping. It is not a major impact on the property with it not being landscaped, but it would improve the appearance.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – September 24, 2003**

**Page 7**

**MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION NO. 03010, FROM CEQA.**

**MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 24, 2003, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION NO. 03010 SUBJECT TO THE 9 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. 03010 is for a used auto sales business employing one person and occupying a total of 3,210 square foot of land (2,460 square foot of outdoor storage space and 750 square foot of office space) on the property described as Assessors Parcel Number 034-123-012.
2. The applicant shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
3. The applicant shall comply with all provisions of Subsection 18.47.16 of the Merced County Zoning Code regulating the operation of automobile sales dealerships.
4. Prior to building permit submittal, the applicant shall submit a landscaping plan to the Planning and Community Development Department that provides for installation of a minimum of 240 square foot of landscaping on the project site. The landscaping shall be planted in strips a minimum of 6' wide fronting East 21<sup>st</sup> Street, consist of a 'Type A' (Opaque) landscaping screen and meet all other applicable code requirements.
5. A minimum of 5 parking spaces for the exclusive use of the proposed car lot shall be provided on the project site. The parking spaces shall be clearly striped in accordance with Section 18.40 of the Merced County Zoning Code and include 1 appropriately signed and painted handicapped parking space.
6. The applicant shall provide lighting for their parking lot area that is consistent with the standards provided in subsection 18.40.04.E of the Merced County Zoning Code.
7. No work shall be performed as part of this approval that changes the existing direction of stormwater flows on the project site.
8. Any change in land uses on the subject property, or expansion of an existing activity, beyond that allowed by approval of this Conditional Use Permit, shall require the relocation of the existing (southeastern) entrance driveway

## MERCED COUNTY PLANNING COMMISSION

Minutes – September 24, 2003

Page 8

located nearest to Yosemite Avenue. Any revised access shall comply with all applicable CalTrans and Merced County Road Division standards and requirements.

9. A mitigation-monitoring fee of **\$138.00** shall be paid prior to submittal of any building plans. Should additional staff time be required for review of the development plans or condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.

### VI. CORRESPONDENCE

None

### VII. GENERAL BUSINESS

**The Planning Commissioners signed a Resolution of Appreciation to Mr. Butch Cope for his years of service.**

### VIII. DIRECTOR'S REPORT

General Plan Steering Meeting has been cancelled for today.

Two applications that were appealed to the Board of Supervisors went to the Board Meeting on September 23<sup>rd</sup>. The taco truck application was approved and the Board of Supervisors denied the Zone Variance for Nathan Silva.

There will be a County Planning Directors Association Conference on November 6-9<sup>th</sup> in Napa.

On October 29, 2003, there will be a special meeting to discuss the Planada Community Plan.

### IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 a.m.